



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Patty Ellison-Brown

APR 24 2018

St. Louis, MO 63139

RE: MUR 7106
Patty Ellison-Brown

Dear Ms. Ellison-Brown:

On September 6, 2016, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 6, 2018, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe you violated 52 U.S.C. § 30125(e)(1)(B). Accordingly, the Commission closed its file in this matter as it pertains to you. The Factual and Legal Analysis, explaining the Commission's findings, is enclosed.

The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. This matter will become part of the public record within 30 days after the entire file is closed with respect to all other respondents involved. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Shanna Reulbach, the attorney assigned to this matter, at (202) 694-1638.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Y. Tran".

Lynn Y. Tran
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Patty Ellison-Brown MUR: 7106

I. INTRODUCTION

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Michelle C. Clay. In relevant part, the Complaint appears to allege that local Missouri candidate Patty Ellison-Brown violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by directing Maria Chappelle-Nadal to pay for a mailer announcing her endorsement of Ellison-Brown for 23rd Ward Committeewoman.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Maria Chappelle-Nadal has been a Missouri State Senator since 2010 and was a candidate for Missouri's First Congressional District during the 2016 election cycle. Citizens for Maria Chappelle-Nadal was her state candidate committee (the "State Committee"), which remained active as Chappelle-Nadal campaigned for federal office.¹

The Complaint in this matter asserts that the State Committee paid for a mailer in which Chappelle-Nadal endorsed local candidate Ellison-Brown. The Complaint seems to suggest that Ellison-Brown directed Chappelle-Nadal to spend State Committee funds on the endorsement mailer.²

¹ CO31173: *Citizens for Maria Chappelle-Nadal*, MO. ETHICS COMM'N, http://mec.mo.gov/MEC/Campaign_Finance/CF11_CommInfo.aspx (last visited Jan. 30, 2017); Statement of Candidacy, Maria Chappelle-Nadal (Oct. 6, 2015).

² See 2nd Supp. Compl. at 1 (Aug. 30, 2016) & Attach. 2.

B. Legal Analysis

The Act prohibits federal candidates, their agents, and entities established, financed, maintained, or controlled ("EFMC'd") by federal candidates from soliciting, receiving, directing, transferring, or spending funds in connection with any non-federal election unless the funds are in amounts and from sources permitted by the Act.³ Under Missouri law, candidates can accept unlimited contributions and contributions from corporations and labor unions, *i.e.* soft money.⁴ Citizens for Maria Chappelle-Nadal's disclosure reports show that the State Committee routinely accepted such contributions. Accordingly, it would be a violation of the Act for an agent of Chappelle-Nadal to direct the State Committee to spend funds in connection with a state or local election, unless the State Committee employed a reasonable accounting method to ensure that the disbursement was made with hard money.⁵

First, the Complaint in this matter is speculative and contains no evidence that Ellison-Brown requested Chappelle-Nadal's endorsement. Ellison-Brown even filed a Response stating that she has "never . . . communicated with [the] Chappelle-Nadal campaign for her support in anyway" and was unaware that the mailer existed until receiving the Complaint.⁶ Second, even if there was evidence that Ellison-Brown directed the State Committee to pay for the mailer, section 30125(e)(1) would not apply to her activities. As outlined above, that provision governs the behavior of federal candidates, the agents of federal candidates, and entities EFMC'd by

³ 52 U.S.C. § 30125(e)(1)(B); *see also* 11 C.F.R. § 300.62.

⁴ Compare MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit), *and id.* § 130.029 (stating that corporations and labor organizations may make contributions), *with* 52 U.S.C. § 30116(a)(1)(A) (providing the Act's individual contribution limit), *and id.* § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

⁵ Advisory Op. 2007-26 (Schock) at 3; Advisory Op. 2006-38 (Casey State Committee) at 3.

⁶ Patty Ellison-Brown Resp. (MUR 7106) at 1 (Sept. 26, 2016). Buthod did not respond to the Complaints.

- 1 federal candidates. Ellison-Brown does not fit into any of those categories. Accordingly, the
- 2 Commission finds no reason to believe that Ellison-Brown violated 52 U.S.C. § 30125(e)(1)(B).